

SERIAL NO.: 09/163,977

DOCKET NO.: 1293.1053/MDS/JGM

D8 cancel
message screen in response to the program guide information of a corresponding channel not being stored.

D9
27. (ONCE AMENDED) The program guiding method as recited in claim 3, wherein said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of the channels to the channel tuned and by a channel up/down command input just before a channel search is determined.

REMARKS

INTRODUCTION:

In accordance with the foregoing, the specification has been amended to correct a typographical error, and claims 1-8, 10-14, 16-25, and 27 have been amended to improve form and to clarify the recited invention, not for the purposes of overcoming prior art or to otherwise narrow the scope of the claims. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-29 are pending and under consideration.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at page 16, the Examiner restates the rejection of claims 1-3, 5-10, 12-15, 19-23, and 25-29 under 35 U.S.C. §102(b) in view of Yuen (U.S. Patent No. 5,659,367). This rejection is traversed and reconsideration is requested.

In rejecting claim 1 on page 2 of the Advisory Action of January 17, 2001, the Examiner states that Yuen discloses a method of "acquiring the program guide information for each channel by scanning accessible channels while a received program is not displayed," and further states that Yuen discloses that the guide data is transmitted in the VBI lines of the video signal.

By way of review, the process by which the guide is accessed is disclosed in FIG. 22 of Yuen. Yuen discloses acquiring all of the guide data from a single tuned channel. Col. 22, line 37. Specifically, the guide data, and possibly video clips, are disclosed as being embedded in the video signal transmitted on this channel. Col. 49-56. In order to acquire the guide information, Yuen discloses first determining whether this channel having the guide data is known in step 911. Col. 22, lines 56-59. If this channel is known, it is tuned to in step 914, and the guide data is stored in step 914. Col. 60-62.

However, if the channel having the guide data is not known in step 911, the disclosed method, in step 912, searches the available channels to find the one channel that has the guide data. Col. 22, lines 65-67. Once the channel having the guide data is found, the guide data is then stored, and the channel having the guide data is stored so as to reduce the amount of searching required to obtain the guide data. Col. 23, lines 7-14, FIG. 22, steps 913 & 914. As such, Yuen discloses downloading all of the guide data using a single channel, but does not disclose acquiring the guide information from a channel being tuned, and then scanning all the channels to obtain additional guide data.

In contrast, claim 1 recites acquiring the program guide information for the program being received, and acquiring the remaining program guide information by scanning the channels while the program being received is not displayed, whereas Yuen discloses acquiring the program guide information from a single channel, and scanning the available channels only when the single channel is unknown. As such, it is respectfully submitted that claim 1 is deemed patentable over Yuen due at least to Yuen not disclosing "receiving the program guide information and a program, and acquiring the program guide information for the received program," and "acquiring the remaining program guide information for each channel by scanning accessible channels while the program being received is not displayed" as recited in claim 1.

Claims 2, and 26 are deemed patentable due at least to their depending from independent claim 1.

In rejecting claim 3 on page 3 of the Advisory Action, the Examiner states that Yuen discloses acquiring and storing program guide information, and displaying the program list of channels "in response to a program guide command" as recited in claim 3.

By way of review, Yuen discloses the acquisition of guide data based upon whether it was "time for accessing the guide." FIG. 22A, Step 906, Col. 22, lines 41-49. This guide data is stored when received in RAM 752. Cols. 21 & 22, lines 65-67 & 1-3. When the device in Yuen displays the guide, the guide displayed is based upon the guide data stored in RAM 752, which is necessarily the guide data acquired at the last "time for accessing the guide." Col. 22, lines 1-3. As disclosed, the guide displayed reflects guide data broadcast up

to 24 hours earlier. Col. 20 & 21, lines 63-67 & 1-10. As such, there is no disclosure that, when a user issues a command, that guide data is both acquired and a guide reflecting the acquired guide data is displayed to the user.

In contrast, claim 3 recites acquiring program guide information in response to the program guide command from the user, and then displaying the acquired program guide information in a list in response to the same program guide command. Whereas Yuen discloses relying on a set time for accessing the guide information. Thus, while it is believed that claim 3 had recited this limitation as filed, claim 3 has been clarified to recite this existing limitation next to these steps. As such, it is respectfully submitted that claim 3 is deemed patentable over Yuen due at least to Yuen not disclosing both "acquiring program guide information of accessible channels *in response to the program guide command*" and "displaying the written program list to the user *in response to the program guide command*" as recited in claim 3.

Similarly, it is respectfully submitted that, contrary to the assertion of the Examiner, Yuen does not disclose "a key input introducing a user manipulation command such as a program guide command or a channel search command," "a microprocessor, *in response to the manipulation command input via said key input*, that writes a program list based on program guide information stored in said memory, and *searches for accessible channels* by controlling said tuner in a background operation while a user refers to the program list" and "a character signal generator *generating a character signal corresponding to the program list written by said microprocessor and providing the character signal to a screen*" as recited in claim 19.

Claims 7, 9, 10, 20-23, 25, and 27 are deemed patentable due at least to their depending from respective independent claims 3 and 19.

On page 4 of the Advisory Action, the Examiner rejects claim 12 and states that claim 12 does not recite updating acquiring updated guide information while the guide is displayed. As a point of clarification, contrary to the assertion of the Examiner, claim 12 recites "acquiring program guide information for each channel by *searching for accessible channels in a background operation while the program list is referred to.*" In addition, while the Examiner cites col. 22, lines 33-59, Yuen as disclosing acquiring the guide data in a background operation while a program list is referred to, col. 22, lines 33-59 recites the method of searching for the channel having the guide data in order to acquire the guide data. There is no disclosure that the search is performed while the program list is referred to, or that the program list is rewritten based on the guide data acquired while the program list is referred to. Instead, Yuen discloses that, once the guide data is acquired in step 914, it is this acquired guide data that is displayed in step 922. There is no disclosure that the guide data is otherwise acquired in a background operation while the guide data is display in step 922.

As such, it is respectfully submitted that, contrary to the assertion of the Examiner, Yuen does not disclose or suggest "acquiring program guide information for each channel by *searching for accessible channels in a background operation while the program list is referred to,*" "storing the acquired program guide information for each channel," "*rewriting a program list* on the basis of the stored program guide information, " and "*displaying the rewritten program list* to a user" as recited in claim 12.

Claims 13-15 are deemed patentable due at least to their depending from independent claim 12.

Similarly, it is respectfully submitted that Yuen does not disclose a microprocessor that "writes a program list based on program guide information stored in said memory, and searches for accessible channels *by controlling said tuner in a background operation while a user refers to the program list*" as recited in claim 19; and "acquiring the program guide information for each channel by searching for the accessible channels *in a background operation while the program list is referred to*" as recited in claim 6.

In rejecting claim 28 on page 5 of the Advisory Action, the Examiner states that Yuen discloses an apparatus having both "means for detecting program guide information corresponding to channels in relation to a tuned channel," and "means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel."

As similarly noted above, Yuen discloses a controller that detects, acquires, and stores all available guide information from a single tuned channel. Once this channel is found, the channel is stored in step 913 such that the searching performed in step 912 does not have to be performed again to reduce the time spent searching for the channel having the guide information. Col. 23, lines 7-15. As such, if a tuned channel is found with the guide data, no further searching is performed.

In contrast, claim 28 recites means for detecting a program guide information in relation to a tuned channel, and a means for searching for accessible channels in relation to,

among other factors, the program guide information. However, as noted above, Yuen discloses that, once the channel with the guide data is detected, there is no searching of the channels performed. As such, contrary to the assertion of the Examiner, Yuen does not disclose an apparatus having both a "means for detecting *program guide information* corresponding to channels in relation to a tuned channel," or "means for searching for accessible channels of the channels based upon a command received, *the program guide information*, and a relation to the tuned channel" as recited in claim 28.

Claim 29 is deemed patentable due at least to its depending from independent claim 28.

In addition, as similarly noted above in relation to claim 3, Yuen discloses acquiring updated guide information at a time for accessing the guide data. There is no disclosure that this time for accessing the guide data is related to the display of the guide, or that it is determined whether the guide data is effective. Further, there is no disclosure that the display of the guide data is performed prior to the acquiring of the guide data if the guide data is determined to be effective. Instead, the only factor relating to the updating of the guide data is that it is time for accessing the guide data, and this factor appears unrelated as to whether the display of the guide is performed prior to or after the acquiring of guide data.

In contrast, claim 5 recites a method that determines whether program guide information is effective, and writing the program list prior to acquiring program guide data if the program guide data is determined to be effective. As such, the invention recited in claim 5 displays a program list in relation to whether the program guide data is effective, whereas the method disclosed in Yuen merely displays the program data without regard for whether the

guide data has been determined to be effective. Thus, it is respectfully submitted that, contrary to the assertion of the Examiner and in addition to its depending from independent claim 3, Yuen does not disclose "determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information, and *proceeding to said writing the program list when the stored program guide information is effective, before said acquiring the program guide information*" as recited in claim 5.

Lastly, Yuen does not disclose that the channels to be searched in step 912 are prioritized in relation the channel tuned before the program guide command is executed according to whether an up/down command was input. Instead, Yuen discloses that, in searching for the channel having the guide data, that the VCR channels are first searched, the channels accessed by the antenna are next searched, and then the satellite channels are searched as a last resort. Col. 22, lines 65-67 and col. 23, lines 1-7. However, this searching is not disclosed as depending on an up/down command, but instead appears to be according to a predetermined order. In addition, once this channel having the guide data is found, there is no disclosure that the guide data it contains is stored in step 914 in any particular order, or that this storing is related to an up/down command.

In contrast, claim 8 recites that the acquiring of program guide information is determined in accordance with an order of priority for the channels, with the order of priority being for channels having the same proximity as the tuned channel. Further, the order is determined in accordance with a channel up/down command executed prior to the corresponding channels are accessed. As such, it is respectfully submitted that, contrary to the

assertions of the Examiner and in addition to its depending from independent claim 3, Yuen does not disclose "said acquiring the program guide information comprises determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed" as recited in claim 8.

REJECTION UNDER 35 U.S.C. §103:

In the Advisory Action at page 6, the Examiner restates the rejection of claim 4 under 35 U.S.C. §103(a) in view of Yuen and it being commonly known to display a message to a user informing the user to wait. The Examiner cited Yuen as providing all of the other steps and structure. The rejection is traversed and reconsideration is requested.

Since the Examiner relied upon the method disclosed in Yuen to disclose the program guide method, assuming arguendo that it is common knowledge to display a message to a user informing the user to wait, this common knowledge does not cure the above noted deficiencies in Yuen with regard to independent claim 3. Therefore, it is respectfully submitted that, contrary to the assertions of the Examiner, the combination does not disclose or suggest the elements of claim 4 due at least to its depending from independent claim 3.

In the Advisory Action at page 22, the Examiner restated the rejection of claims 11, 16-18, and 24 under 35 U.S.C. §103(a) in view of Yuen and Saitoh (U.S. Patent No. 5,444,499).

The Examiner had previously cited Saitoh as disclosing a controller that calculates a probability that channels are to be selected according to the number of times that the channels

are tuned by the user, and searches the channels in an order of priority according to the probability that the user will tune to those channels. The Examiner had also previously stated that the motivation to combine Yuen and Saitoh is to reduce the tuning required in order to obtain the television guide. The rejection is traversed and reconsideration is requested.

Assuming arguendo that Saitoh does disclose the stated features, it is unclear as to how the invention in Saitoh would benefit the invention disclosed in Yuen as stated by the Examiner. Specifically, Yuen discloses searching for the channel having the guide information, and once that channel is found, storing the channel so as to not require searching again. As shown in step 911, if the channel is stored, the searching step 912 is skipped and the guide information is stored in step 914. As such, there is no need to reduce the tuning operations as stated by the Examiner since the tuning operations are already reduced if the channel with the guide data is already stored. Further, there is no disclosure in Yuen or Saitoh that a probability of tuning to certain channels based upon viewing habits would reduce the amount of searching performed in step 912 to find a channel having the guide data. As such, it is respectfully submitted that, even assuming arguendo that the combination of Yuen and Saitoh discloses the recited elements, there is insufficient evidence of a motivation to combine Yuen and Saitoh so as to create the invention recited in claim 11 as to establish a prima facie case for obviousness as to claim 11.

Similarly, it is respectfully submitted that there is insufficient evidence of a motivation to combine Yuen and Saitoh as to create the invention recited in claim 24 as to establish a prima facie case for obviousness as to claim 24.

Claims 16-18 are deemed patentable due at least to their depending from independent claim 11.

ATTACHMENT:

Attached hereto is a "Version With Markings to Show Changes Made," comprising a marked-up version of changes made to the Specification and Claims by the current amendment.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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